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**1989/03/12**

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ACTION MEMORANDUM JFC

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March 12, 1989

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NEA

TO: The Secretary  
THRU: P - R. Kimmitt  
FROM: PM - H. Allen Holmes *MAH*  
NEA - Paul J. Hare, Acting *My JH*  
H - Janet G. Mullins *JGM*

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SUBJECT: Certification to Permit Continued Sale of Defense

Articles to Saudi Arabia, as Required by Section  
1307(b) of the National Defense Authorization Act,  
Fiscal Year 1989

ISSUE FOR DECISION

Whether to sign the attached memorandum to the President  
recommending that he certify to the Congress that Saudi Arabia  
does not possess biological, chemical, or nuclear warheads for  
the intermediate-range ballistic missiles purchased from the  
People's Republic of China.

ESSENTIAL FACTORS

Section 1307 of the National Defense Authorization Act,  
Fiscal Year 1989 (PL 100-456) provides that during fiscal year  
1989, the U.S. may "not make any sale of defense articles  
subject to Section 36(b) of the Arms Export Control Act to any  
nation which has acquired intermediate-range ballistic missiles  
made by the People's Republic of China." The legislation  
provides that this restriction will cease to apply upon  
certification that such nation does not have chemical,  
biological, or nuclear warheads for the intermediate-range  
missiles. Saudi Arabia is the only country which has acquired  
such intermediate-range ballistic missiles and, therefore,  
requires such certification.

Section 36(b) requires the notification for the following:  
those items of significant military equipment valued at \$14  
million or more and any other defense articles or services  
valued at \$50 million or more. Each of these sales will be the  
subject of separate approval before notification to Congress.

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: AINSWORTH, THOMAS  
Date: 11/25/94  
Case ID: 9103730

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DECL: OADR

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There is no credible intelligence reporting indicating that Saudi Arabia possesses biological, chemical or nuclear warheads for its missiles purchased from the PRC. We are not aware of any production facilities of chemical or biological weapons or agents. In addition, Saudi Arabia adheres to the Nuclear Non-Proliferation Treaty, which includes commitments not to acquire nuclear weapons and to submit any peaceful nuclear facilities to international safeguards. Saudi Arabia is a party to the Biological Warfare Convention which prohibits the manufacture or possession of biological or toxin weapons, and the 1925 Geneva Protocol, which prohibits the use in war of chemical weapons.

Based on the information available to the U.S. Government, we believe that you should recommend to the President that he can and should make the certification that Saudi Arabia does not possess chemical, biological, or nuclear warheads.

RECOMMENDATION

That you sign the attached Memorandum for the President.

Attachment:

Memorandum for the President

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Drafted:PM/SAS:SSavage  
2/16/89 W#1034 x5284

Cleared:PM/SAS:MDworker

PM:VLehovich

NEA:PBurleigh

NEA/RA:Steve Aoki(draft)-

INR:MLowenthal

L/PM:DKennedy

EAP/C:DWestmore